

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT COURT OF DELAWARE**

ROBERT SCHMIDT, individually, )  
AMY SCHMIDT, individually, h/w )  
                                    )  
                                    ) C.A. No.: 06-207 JJF  
Plaintiffs,                     )  
                                    )  
v.                                 )  
                                    )  
FRANK H. HAMILTON, individually and )  
TRESSA THOMPSON-THOMAS,         )  
individually,                      )  
                                    )  
Defendants.                     )

**DEFENDANT FRANK H. HAMILTON'S ANSWER TO COMPLAINT**

**Jurisdiction**

1. Diversity of citizenship is admitted. Defendant has insufficient information to admit or deny the balance of the averment.
2. Admitted.

**Venue**

3. Denied.

**Parties**

4. Admitted.
5. Admitted.
6. Admitted.
7. Admitted.

**COUNT I - Facts of Accident**

1. It is admitted that the accident occurred at the time and place stated. Defendant

has insufficient information to admit or deny that the plaintiff was stopped at the time of the accident.

2. It is admitted that the defendant was operating his vehicle in a southerly direction at the time of the accident and that his vehicle struck the plaintiff's vehicle. The balance of the averment is denied.

3. It is admitted that the defendant Theresa Thompson-Thomas was operating her vehicle in a southerly direction and struck the defendant's vehicle. Defendant has insufficient information to admit or deny the balance of the averment.

4. Negligence of defendant is denied. Defendant has insufficient information to admit or deny the balance of the averment.

5. Denied.

6. Denied.

7. Defendant has insufficient information to admit or deny the averment.

#### **COUNT II - Medical**

8. The negligence of the defendant is denied. The defendant has insufficient information to admit or deny the balance of the averment.

9. The defendant has insufficient information to admit or deny the balance of the averment.

10. Negligence of the defendant is denied. Defendant has insufficient information to admit or deny the balance of the averment.

#### **COUNT III - Consortium**

11. Negligence of the defendant is denied. Defendant has insufficient information to

admit or deny the balance of the averment.

**Crossclaim**

12. Should the jury find any basis of liability against the answering defendant, he requests an apportionment of fault.

CASARINO, CHRISTMAN & SHALK

/s/ Stephen P. Casarino  
STEPHEN P. CASARINO, ESQUIRE  
I.D. No. 174  
800 North King Street, Suite 200  
P.O. Box 1276  
Wilmington, DE 19899  
(302) 594-4500  
Attorney for Defendant Frank H. Hamilton

Dated: April 24, 2006

**CERTIFICATION OF SERVICE**

I, STEPHEN P. CASARINO, ESQ., hereby certify that I have efiled at 800 North King Street, Suite 200, Wilmington, Delaware on this 24<sup>th</sup> day of April, 2006 two true and correct copies of Defendant Frank Hamilton's Answer to Complaint to:

David P. Cline, Esq.  
David P. Cline, P.A.  
1300 North Market Street, Suite 700  
P.O. Box 1971  
Wilmington, DE 19899-1970

CASARINO, CHRISTMAN & SHALK, P.A.

/s/ Stephen P. Casarino  
STEPHEN P. CASARINO, ESQUIRE  
I.D. No. 174  
800 North King Street, Suite 200  
P.O. Box 1276  
Wilmington, DE 19899  
(302) 594-4500  
Attorney for Defendant Frank H. Hamilton

Dated: April 24, 2006